

**BEFORE THE JUDICIAL FINANCE COMMISSION
STATE OF MISSOURI**

IN RE: Circuit Court Budget of the 15th)	
Judicial Circuit of the State of Missouri)	
)	
LAFAYETTE COUNTY MISSOURI,)	
a body corporate and politic, by and through)	
its governing body, the)	
COUNTY COMMISSION OF LAFAYETTE)	
COUNTY, MISSOURI,)	
)	
Petitioner,)	
)	
vs.)	CASE NO. 03-0063
)	
FIFTEENTH JUDICIAL CIRCUIT,)	
Hon. Dennis Rolf, Presiding Judge,)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

This matter comes before the Judicial Finance Commission upon a petition filed by Petitioner, the County Commission of Lafayette County, against Respondent, the Circuit Court of the 15th Judicial Circuit of Missouri, Judge Dennis Rolf, the presiding judge. Petitioner seeks a determination that 15th Circuit Court's request for \$834,632.00 for deputy sheriff's salaries and benefits is unreasonable pursuant to Section 50.640, RSMo 2000.

Petitioner contends the amount is unreasonable because (1) the salaries ordered by Respondent result in a disparity between the percent of increase from the highest paid employees to the lowest paid employees in Lafayette County, (2) the salaries ordered by

Respondent are disproportionately high in comparison to the expenditures necessary for deputy sheriff's salaries in relation to expenditures necessary for the administration of all other county functions, (3) Lafayette County has in recent years experienced near an operating deficit, and (4) the salaries ordered by Respondent are disproportionately high in comparison to salaries paid to other Lafayette County employees with similar duties, length of service, and previous experience. Petitioner maintains that the amount of \$777,936.25 is a more "reasonable" amount.

In an order, Respondent, pursuant to Section 57.250, RSMo 2000, fixed the salaries and benefits of the deputy sheriffs for the 2003 budget in the amount of \$834,632.00. Respondent is required to determine the amount of compensation for deputy sheriffs under Section 57.250, RSMo 2000, which provides, in pertinent part:

The sheriff in counties of the third and fourth classifications shall be entitled to such number of deputies and assistants, to be appointed by such official, with the approval of the majority of the circuit judges of the circuit court, as such judges shall deem necessary for the prompt and proper discharge of his duties relative to the enforcement of the criminal law of this state. Such judges of the circuit court, in their order permitting the sheriff to appoint deputies or assistants, shall fix the compensation of such deputies or assistants. The circuit judges shall annually review their order fixing the number and compensation of the deputies and assistants and in setting such number and compensation shall have due regard for the financial condition of the county.

In his order, Respondent stated that he gave due regard for the financial condition of Lafayette County in making his decision. Respondent argues the amount ordered is appropriate because it was based on a 2002 Insurance Consulting Enterprise (ICE) survey. Respondent also contends Lafayette County will have an anticipated budget surplus of \$756,742.27, from a number of different sources, for the 2003 budget year.

A settlement conference was held with the Judicial Finance Commission pursuant to Judicial Finance Commission Rule 11.03 and Section, 50.640, RSMo 2000. The settlement conference was unsuccessful and thereafter, a hearing was held before the Judicial Finance Commission. At the hearing, the parties submitted the matter on the record and memoranda of the parties.

Review by the Judicial Finance Commission is governed by Section 50.640, RSMo 2000. Section 50.640, RSMo 2000, states, in part:

If a petition for review is filed, the circuit court shall have the burden of convincing the judicial finance commission that the amount estimated by it and included in the budget is reasonable. In determining if the circuit court estimate is reasonable, the judicial finance commission shall consider the expenditures necessary to support the circuit court in relation to the expenditures necessary for the administration of all other county functions, the actual or estimated operating deficit or surplus from prior years, all interest and debt redemption charges, all capital projects expenditures, and the total estimated available revenues from all sources available for financing proposed expenditures. In determining the reasonableness of any budget estimate involving compensation, the judicial finance commission shall also consider compensation for county employees with similar duties, length of service and educational qualifications.

Based on the record and the memoranda of the parties and in light of the factors set out in Section 50.640.2, RSMo 2000, the Judicial Finance Commission finds the amount of \$668,601.00 for deputy sheriff salaries and benefits commencing April 1, 2003 through December 31, 2003 is reasonable.

The Judicial Finance Commission also orders attorney fees incurred by Respondent to be paid by Petitioner. The Judicial Finance Commission finds attorney's fees in the amount of \$2500.00 is reasonable.

Dated this _____ day of May, 2003.

JUDICIAL FINANCE COMMISSION

The Honorable Robert G. Dowd, Jr., Chairman
The Honorable Robert M. Clayton II, Vice- Chairman
The Honorable David Coonrod
The Honorable Edith Louise Messina
The Honorable David Lee Vincent III
The Honorable Marshal Pile
The Honorable Gerald Jones

I hereby certify that copies of the foregoing Findings of Fact, Conclusions of Law, and Decision were mailed by certified mail, return receipt requested, this ____ day of May, 2003, to: William McCullah, 221 Main Street, Forsyth, Missouri 65653, Attorney for Petitioner; and Bruce Farmer, 401 Locust Street, Suite 406, Columbia, Missouri 65205, Attorney for Respondents.

Gregory J. Linhares
Commission Counsel